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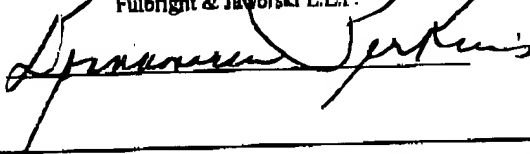
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LUD-5353.5 JEL/NDH (10016358)

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Fulbright & Jaworski L.L.P.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant : Beatrice GAUGLER et al.
Serial No. : 09/579,543
Filed : May 26, 2000
For : ISOLATED NUCLEIC ACID MOLECULES CODING FOR
TUMOR REJECTION ANTIGEN PRECURSOR MAGE-4
AND 41 AND USES THEREOF
Art Unit : 1642
Examiner : Alana Harris

August 27, 2002

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

**RESPONSE
TO LETTER ALLEGING
NON-RESPONSIVE
AMENDMENT**

S I R:

This is in response to the action dated August 20, 2002. The examiner states that applicants Third Preliminary Amendment dated June 7, 2002 is improper.

Applicant cannot follow the examiner's action. It is too confusing and misstates the facts.

On January 14, 2002, applicant filed a Second Preliminary Amendment. It was telefaxed to the examiner at the fax number she provided and a facsimile receipt was received. The entire paper is again submitted.

LUD 5353.5 DIV JEL/NDH (10016355)

The restriction requirement of March 18, 2002, DID NOT refer to the claims as submitted on January 14.

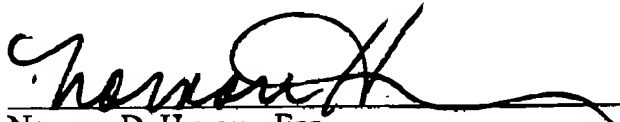
When applicant responded, on April 4, 2002, they did not refer to claims, but SEQ ID NOS, because it was believed that the examiner had simply not considered the January submission. Indeed, on April 9 or thereabouts, the examiner called the undersigned regarding the argument presented in the April 4 response, and applicant expressly referred to the January preliminary amendment.

If an amendment is filed after a second preliminary amendment and before a substantive action, it is properly referred to as a Third Preliminary Amendment. What the attorney docket number has to do with this is not seen. The correct serial number is set forth on each and every paper.

With respect to the examiner's requirement at the end of point 1, with all due respect, applicants have taken care of the claims. They amended claims. They amended claims as currently written. Rather, it falls to the examiner to explain why properly filed papers were not considered.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.



Norman D. Hanson, Esq.
Registration No. 30,946

666 Fifth Avenue
New York, New York 10103-3198
(212) 318-3000

FULLBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP666 Fifth Avenue
New York, New York 10103-3198
FAX: (212) 318-3400**FACSIMILE COVER SHEET**

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LUD-5355 JEL/NDH (10016358)

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Annette Crossan
Annette Crossan

14/1
KF
KD
9-10-02

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AND USES THEREOF
Art Unit : 1642
Examiner : Alana Harris

January 14, 2002

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

SECOND PRELIMINARY AMENDMENT

Prior to examination, please amend this application as follows:

IN THE ABSTRACT

Please replace the abstract with the following:

ABSTRACT OF THE DISCLOSURE

EI The invention relates to nucleic acid molecules which code for the tumor rejection antigen precursor MAGE-4 and 41. Also disclosed are vectors, cell lines, and so forth, which utilize the nucleic acid molecule, and optionally, molecules coding for human leukocyte antigen